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10/748,421	12/30/2003	Gary W. Bennett	VISTA.0100	8127

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EXAMINER	
ANWARI, MACEEH	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/748,421	BENNETT ET AL.	
	Examiner	Art Unit	
	Maceeh Anwari	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 March 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is the initial Office action based on the 10/748,421 application filed December 30, 2003. Claims 1-40, as originally filed, are currently pending and have been considered below.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show in figure 1 the number 100 as described in the specification (page 1, par. 15). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-29 are rejected under 35 U.S.C. 101 because the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "non-functional descriptive material." Both types of "descriptive material" are non-statutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming non-functional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (hereinafter Sato), U.S. Pat. No.: 6,434,710.

Sato teaches:

Claim 1:

A transaction processing system, comprising: a component layer including at least one processing component configured to process data in a first format (Figures 1-2 & 8-9 and Col. 1, lines 61-66 and Col. 10, lines 58-67; where the data is being translated from the input, the client computer/process and a layer—a format—to the transaction processing process, or the server computer a second layer—and yet another format); and a translation layer

including a translation component configured to translate data from a second format into the first format (Figures 1-2, 8-9, 13, 17-19 Col. 1, lines 61-66 and Col.10, lines 58-67; same reasoning as above yet going back from the transaction processing process back to the client process).

Claim 2:

A transaction processing system according to claim 1, wherein the data includes a transaction having a transaction tag (Figures 3 & 5 & 7 &16 and Col. 5, lines 12-22; the ID entry reads on the limitation of the tag).

Claim 3:

A transaction processing system according to claim 1, wherein the transaction processing system comprises a multi-node environment (Figures 1-2 & 8-9 & 13 & 18; wherein the features of a server computer and a client computer along with all the intermediary components reads on the limitations of a multi-node environment).

Claim 4:

A transaction processing system according to claim 3, further comprising a transaction manager, wherein the transaction manager is configured to refer the translated data from a first node to a second node (Figures 1-2, 8-9, 13, 17-19 and Col. 11, lines 25-

30 and Col.12, lines 51-55; where the server computer and the client computer along with all the intermediary components read on the multiple node limitation; and the fact that in figures 1, 8 and 17 we have an update feature this reads on the limitation of a transaction manager if need be further connection and association is drawn to the transaction manger with the commit management table).

Claim 5:

A transaction processing system according to claim 1, wherein the second format is human readable (Figures 1-2, 8-9, 13, 17-19 and Col. 2, lines 1-5 and Col. 4, lines 40-44).

Claim 6:

A transaction processing system according to claim 1, wherein the component layer includes multiple processing components, and wherein the multiple processing components operate in conjunction with different languages (Figures 1-2, 8-9, 13, 17-19 and Col.10, lines 45-53; reads on this limitation with inter-process communications).

Claim 7:

A transaction processing system according to claim 1, further comprising a transaction manager configured to detect a failure of the processing component and restart the processing

component after detecting the failure (Figures 1-2, 4, 6-9, 11-13, 15-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature).

Claim 8:

A transaction processing system according to claim 1, further comprising a transaction manager configured to: monitor processing requirements for the processing component (Figures 1-2, 4, 6-9, 11-13, 15-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature because if it is able to update and roll back then it is monitoring the transactions); and at least one of automatically starting and retracting an additional processing component according to the processing requirements (Figures 1-2, 4-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature).

Claim 9:

A transaction processing system according to claim 1, wherein the transaction processing system comprises multiple nodes, and the translating component and the processing component are on different nodes (Figures 1-2, 4-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation by

showing the different components within the disclosed invention and how they operate with one another; i.e. client to server via a network).

Claim 10:

A transaction processing system, comprising: a translating component configured to receive a transaction in a first format and translate the transaction into a second format (Figures 1-2 & 8-9 and Col. 1, lines 61-66 and Col. 10, lines 58-67; where the data is being translated from the input, the client computer/process and a layer—a format—to the transaction processing process, or the server computer a second layer—and yet another format); a processing component configured to process the transaction in the second format (Figures 1-2, 8-9, 13, 17-19 Col. 1, lines 61-66 and Col.10, lines 58-67); and a transaction manager configured to transfer the translated transaction to the processing unit (Figures 1-2, 8-9, 13, 17-19; reads on this limitation with the commit control unit and the commit management table along with the roll back control unit).

Claim 11:

A transaction processing system according to claim 10, wherein the transaction is stateless (Col. 1, lines 40-42 and Col. 5,

lines 23-28; reads on this limitation with both "consistency" and independent transactions).

Claim 12:

A transaction processing system according to claim 10, wherein the transaction includes a transaction tag (Figures 3 & 5 & 7 &16 and Col. 5, lines 12-22; the ID entry reads on the limitation of the tag).

Claim 13:

A transaction processing system according to claim 10, wherein the transaction processing system comprises a multi-node environment (Figures 1-2 & 8-9 & 13 & 18; wherein the features of a server computer and a client computer along with all the intermediary components reads on the limitations of a multi-node environment).

Claim 14:

A transaction processing system according to claim 13, wherein the transaction manager is configured to refer the transaction from a first node to a second node (Figures 1-2, 8-9, 13, 17-19 and Col. 11, lines 25-30 and Col.12, lines 51-55; where the server computer and the client computer along with all the intermediary components read on the multiple node limitation; and the fact that in figures 1, 8 and 17 we have an update feature this

reads on the limitation of a transaction manager if need be further connection and association is drawn to the transaction manger with the commit management table).

Claim 15:

A transaction processing system according to claim 13, wherein the transaction manager is configured to refer the transaction from a first node to a second node (Figures 1-2 & 8-9 & 13 & 18).

Claim 16:

A transaction processing system according to claim 10, wherein the second format is human readable (Figures 1-2, 8-9, 13, 17-19 and Col. 2, lines 1-5 and Col. 4, lines 40-44).

Claim 17:

A transaction processing system according to claim 10, further comprising multiple processing components, and wherein the multiple processing components operate in conjunction with different languages (Figures 1-2, 8-9, 13, 17-19 and Col.10, lines 45-53; reads on this limitation with inter-process communications).

Claim 18:

A transaction processing system according to claim 10, wherein the transaction manager is configured to detect a failure of

the processing component and restart the processing component after detecting the failure (Figures 1-2, 4, 6-9, 11-13, 15-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature).

Claim 19:

A transaction processing system according to claim 10, wherein the transaction manager is configured to: monitor processing requirements for the processing component (Figures 1-2, 4, 6-9, 11-13, 15-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature because if it is able to update and roll back then it is monitoring the transactions); and at least one of automatically start and retract an additional processing component according to the processing requirements (Figures 1-2, 4-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature).

Claim 20:

A data communications system, comprising: an external unit configured to communicate data in a first format (Figures 1-2 & 8-9 and Col. 1, lines 61-66 and Col. 10, lines 58-67; where the data is being translated from the input, the client computer/process and a layer—a format—to the transaction processing process, or the

server computer a second layer—and yet another format); and a transaction processing system configured to communicate with the external unit, including: a translation component configured to translate the data between the first format and a second format (Figures 1-2 & 8-9 and Col. 1, lines 61-66 and Col. 10, lines 58-67; where the data is being translated from the input, the client computer/process and a layer—a format—to the transaction processing process, or the server computer a second layer—and yet another format); a processing component configured to generate and receive data in the second format (Figures 1-2 & 8-9 and Col. 1, lines 61-66 and Col. 10, lines 58-67; where the data is being translated from the input, the client computer/process and a layer—a format—to the transaction processing process, or the server computer a second layer—and yet another format); and a transaction manager configured to transfer the data between the translation component and the processing component (Figures 1-2, 8-9, 13, 17-19; reads on this limitation with the commit control unit and the commit management table along with the roll back control unit).

Claim 21:

A data communications system according to claim 20, wherein the data comprises a stateless transaction (Col. 1, lines

40-42 and Col. 5, lines 23-28; reads on this limitation with both "consistency" and independent transactions).

Claim 22:

A data communications system according to claim 20, wherein the data includes a transaction tag (Figures 3 & 5 & 7 &16 and Col. 5, lines 12-22; the ID entry reads on the limitation of the tag).

Claim 23:

A data communications system according to claim 20, wherein the transaction processing system comprises a multi-node environment (Figures 1-2 & 8-9 & 13 & 18; wherein the features of a server computer and a client computer along with all the intermediary components reads on the limitations of a multi-node environment).

Claim 24:

A data communications system according to claim 23, wherein the transaction manager is configured to refer the transaction from a first node to a second node (Figures 1-2, 8-9, 13, 17-19 and Col. 11, lines 25-30 and Col.12, lines 51-55; where the server computer and the client computer along with all the intermediary components read on the multiple node limitation; and the fact that in figures 1, 8 and 17 we have an update feature this

reads on the limitation of a transaction manager if need be further connection and association is drawn to the transaction manger with the commit management table).

Claim 25:

A data communications system according to claim 23, wherein at least two of the translation component, the processing component, and the transaction manager are on different nodes (Figures 1-2, 4-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation by showing the different components within the disclosed invention and how they operate with one another; i.e. client to server via a network).

Claim 26:

A data communications system according to claim 20, wherein the second format is human readable (Figures 1-2, 8-9, 13, 17-19 and Col. 2, lines 1-5 and Col. 4, lines 40-44).

Claim 27:

A data communications system according to claim 20, further comprising multiple processing components, and wherein the multiple processing components operate in conjunction with different languages (Figures 1-2, 8-9, 13, 17-19 and Col.10, lines 45-53; reads on this limitation with inter-process communications).

Claim 28:

A data communications system according to claim 20, wherein the transaction manager is configured to detect a failure of the processing component and restart the processing component after detecting the failure (Figures 1-2, 4, 6-9, 11-13, 15-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature).

Claim 29:

A data communications system according to claim 20, wherein the transaction manager is configured to: monitor processing requirements for the processing component (Figures 1-2, 4, 6-9, 11-13, 15-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature because if it is able to update and roll back then it is monitoring the transactions); and at least one of automatically start and retract an additional processing component according to the processing requirements(Figures 1-2, 4-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature).

Claim 30:

A method of processing data, comprising: transmitting a request from an external client to a transaction processing system in a first format (Figures 1-2 & 8-9 and Col. 1, lines 61-66 and Col.

10, lines 58-67; where the data is being translated from the input, the client computer/process and a layer—a format—to the transaction processing process, or the server computer a second layer—and yet another format); translating the request from the first format to a second format (Figures 1-2 & 8-9 and Col. 1, lines 61-66 and Col. 10, lines 58-67; where the data is being translated from the input, the client computer/process and a layer—a format—to the transaction processing process, or the server computer a second layer—and yet another format); transferring the request to a processing component (Figures 1-2 & 8-9 and Col. 1, lines 61-66 and Col. 10, lines 58-67; where the data is being translated from the input, the client computer/process and a layer—a format—to the transaction processing process, or the server computer a second layer—and yet another format); and translating a return from the processing component from the second format to the first format (Figures 1-2, 8-9, 13, 17-19 Col. 1, lines 61-66 and Col.10, lines 58-67; same reasoning as above yet going back from the transaction processing process back to the client process).

Claim 31:

A method of processing data according to claim 30, wherein the request and the return comprise transactions having a transaction tag and data (Figures 3 & 5 & 7 &16 and Col. 5, lines

12-22 and Col. 11, lines 61-66; the ID entry reads on the limitation of the tag and the reliability of data reads on the limitation of data).

Claim 32:

A method of processing data according to claim 30, wherein the transaction processing system comprises a multi-node environment (Figures 1-2 & 8-9 & 13 & 18; wherein the features of a server computer and a client computer along with all the intermediary components reads on the limitations of a multi-node environment).

Claim 33:

A method of processing data according to claim 32, further including referring the request from a first node to a second node (Figures 1-2, 8-9, 13, 17-19 and Col. 11, lines 25-30 and Col.12, lines 51-55; where the server computer and the client computer along with all the intermediary components read on the multiple node limitation; and the fact that in figures 1, 8 and 17 we have an update feature this reads on the limitation of a transaction manager if need be further connection and association is drawn to the transaction manger with the commit management table).

Claim 34:

A method of processing data according to claim 30, wherein the second format is human readable (Figures 1-2, 8-9, 13, 17-19 and Col. 2, lines 1-5 and Col. 4, lines 40-44).

Claim 35:

A method of processing data according to claim 30, wherein the request and the return are stateless (Col. 1, lines 40-42 and Col. 5, lines 23-28; reads on this limitation with both "consistency" and independent transactions).

Claim 36:

A method of processing data according to claim 30, wherein the processing component is one of multiple processing components, and wherein the multiple processing components operate in conjunction with different languages (Figures 1-2, 8-9, 13, 17-19 and Col.10, lines 45-53; reads on this limitation with inter-process communications).

Claim 37:

A method of processing data according to claim 30, further including: detecting a failure of a process; and restarting the process after detecting the failure (Figures 1-2, 4, 6-9, 11-13, 15-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature).

Claim 38:

A method of processing data according to claim 37, wherein the process comprises at least one of a data receiving process, a data sending process, and a processing component (Figures 1-2, 4 – 19).

Claim 39:

A method of processing data according to claim 30, further including: monitoring processing requirements for the processing component (Figures 1-2, 4, 6-9, 11-13, 15-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature because if it is able to update and roll back then it is monitoring the transactions); and at least one of automatically starting and retracting an additional processing component according to the processing requirements (Figures 1-2, 4-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation with atomicity and the roll back feature).

Claim 40:

A method of processing data according to claim 30, wherein at least one of translating the request, transferring the request, and translating the return, is performed on a different node than at least one of another of translating the request, transferring the request, and translating the return (Figures 1-2, 4-19 and Col. 1, lines 36-38 and Col. 2, lines 30-36; reads on this limitation by showing the

different components within the disclosed invention and how they operate with one another; i.e. client to server via a network).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maceeh Anwari whose telephone number is 571-272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Del Sole can be reached on 571-272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.

KIMBERLY D. NGUYEN
PRIMARY EXAMINER